



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



David Kaliff
185 River Road
Granview, New York 10960

**LETTER OF DEFICIENCY
WD WQE 02-12**

November 15, 2002

RE: Alteration of Terrain Violation, Center Street, Cornish

Dear Mr. Kaliff:

On July 16, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Cornish Tax Map 9 as Lot 37 (the "Property"). The purpose of the inspection was to determine if work on the Property was in compliance with RSA 485-A:17.

During the inspection DES personnel observed that more than 100,000 sq. ft. of terrain was cleared and stumped on the Property and no erosion control measures were in place. A review of DES records indicates that DES has not issued a site specific permit for alteration of terrain on the Property.

On July 31, 2002, DES issued a letter to you, informing you of the impacts observed during the July 16, 2002 inspection, and requesting you to submit an after-the-fact site specific permit application to DES for the project, to provide a copy of any permits obtained from DES for the project, and to voluntarily refrain from carrying out additional work, except for siltation and erosion control measures, until authorization to proceed has been obtained from DES.

A review of DES records on November 13, 2002 indicates that DES has not received an after-the-fact site specific permit application for the project or copies of any other permits issued by DES for the project.

In response to this Letter of Deficiency ("LOD"), you are requested to:

1. Voluntarily refrain from carrying out any additional work on the Property, except for siltation and erosion control measures, until proper authorization to proceed has been obtained.
2. Within 10 days of receipt of this letter, prepare a temporary stabilization plan ("Plan") for the Property, and submit said Plan to DES for approval. The Plan shall include a schedule for implementing the measures described in the Plan.
3. Implement the approved Plan according to the schedule detailed in the Plan.

4. Within 30 days of the date of this letter, submit to DES an application for a Site Specific permit for the Property. The application shall be prepared by an engineer licensed in the State of New Hampshire, and in accordance with Env-Ws 415.05.

Failure to respond to this LOD in a timely and complete manner will be construed as noncompliance by the receiving party.

Pursuant to RSA 485-A:17, an Alteration of Terrain Permit is required to be obtained from DES prior to construction; earth moving or other significant alteration of the characteristics of the terrain...when a contiguous area of or 100,000 square feet or will be disturbed. The alteration of terrain permit is intended to protect New Hampshire surface waters by controlling soil erosion and managing stormwater runoff from developed areas. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with RSA 485-A:17.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against the Property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Ana Ford, Compliance Specialist
Site Specific Program
N.H. Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2303.

Sincerely,


COPY
Ridgely Mauck, P.E.
Site Specific Program

CERTIFIED MAIL # 7099 3400 0002 9772 6263

cc: Rene Pelletier, DES Land Resources Management Program
Gretchen Rule, DES Enforcement
William Gallager, Town of Cornish Selectmen
Cornish Conservation Commission